

**AMENDMENTS TO THE DRAWINGS**

Please replace Fig. 2 with the replacement sheet including amended Fig. 2 attached to this communication. Fig. 2 has been amended to include the numerals 26 (first end) and 30 (second end). No new matter has been added.

### **REMARKS**

Claims 1-21 are currently pending in the application. Claims 1, 9, 13, and 20 have been amended, and Claims 4-5 have been canceled. Applicant respectfully requests reconsideration of the pending claims in view of the following remarks.

#### **Drawings**

The Examiner objected to the drawings because they do not include reference numeral 30 for the second end.

Applicant has amended Fig. 2 to include the numerals 26 (first end) and 30 (second end). No new matter has been added.

Accordingly, Applicant respectfully requests the Examiner to withdraw this objection.

#### **Claim Rejections – 35 U.S.C. § 102**

The Examiner rejected Claims 1-3 and 8 under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 7,111,751 ("Copley").

Copley does not disclose the subject matter of amended independent Claim 1. More specifically, Copley does not disclose a concrete structural section comprising a first edge including a top portion being recessed from a top surface of the concrete section, the first edge connected to the concrete section and extending along the first side, the first edge for connecting the concrete section to an adjoining concrete section, the first edge being formed from a plastic material.

Rather, Copley discloses a tank 10 including a concrete floor 12 and an upright wall 14 which sits on a flexible bearing pad 16 positioned between the lower edge 18 of the wall 14 and the floor 12. Col. 4, lines 43-46. The tank 10 includes a waterstop structure 22 designed to prevent penetration of the contents of the tank into the area 20. The waterstop structure 22 is constructed of a flexible plastic material, and is installed along the junction point 24 between the floor and the lower edge 18 of the wall 14. Col. 5, lines 3-11.

The waterstop structure 22 does not include a top portion being recessed from a top surface of the concrete section. Accordingly, independent Claim 1 is allowable. Claims 2-3 and 6-8 depend from Claim 1 and are allowable for at least the reasons Claim 1 is allowable.

The Examiner rejected Claim 13 under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 4,724,649 ("Lowndes").

Lowndes does not disclose the subject matter of amended independent Claim 13. More specifically, Lowndes does not disclose a concrete section assembly comprising a first and second concrete section, each section having a first end and a second end disposed opposite one another, a side extending between the first and second ends of the section, an edge connected to the side of each section and extending along the side, the edge including a top portion being recessed from a top surface of the concrete section, the sections aligned with the respective side of each section being adjacent to one another.

Rather, Lowndes discloses two adjacent concrete slabs 16, 18 being secured together with side weld plates 22. The side weld plate 22 includes an elongated body section 24 and a flange section 28 that is secured thereto and extends upwardly therefrom. A bar or slug 23 is placed between the opposite side weld plates 22 and welded in place to both side weld plates 22 thus uniting concrete slabs 16, 18. Col. 3, lines 2-11.

Lowndes does not disclose that the top portion of the body section 24 is recessed from the top surface of the concrete slab. Rather, the top portion of the body section 24 is aligned with the top surface of the concrete slab. Accordingly, independent Claim 13 is allowable. Claims 14-19 depend from Claim 13 and are allowable for at least the reasons Claim 13 is allowable.

#### Claim Rejections – 35 U.S.C. § 103

The Examiner rejected Claims 1, 2, 6, and 8 under 35 U.S.C. § 103 as being unpatentable over Lowndes in view of U.S. Patent Application Publication No. 2004/0049995 ("Rogers").

Lowndes does not disclose the subject matter of amended independent Claim 1. More specifically, Lowndes does not disclose a concrete structural section comprising a first edge including a top portion being recessed from a top surface of the concrete section, the first edge connected to the concrete section and extending along the first side, the first edge for connecting the concrete section to an adjoining concrete section, the first edge being formed from a plastic material.

Rather, Lowndes discloses two adjacent concrete slabs 16, 18 being secured together with side weld plates 22. The side weld plate 22 includes an elongated body section 24 and a flange section 28 that is secured thereto and extends upwardly therefrom. A bar or slug 23 is placed between the opposite side weld plates 22 and welded in place to both side weld plates 22 thus uniting concrete slabs 16, 18. Col. 3, lines 2-11.

Lowndes does not disclose that the top portion of the body section 24 is recessed from the top surface of the concrete slab. Rather, the top portion of the body section 24 is aligned with the top surface of the concrete slab.

Rogers does not cure the deficiencies of Lowndes. Rogers does not disclose a concrete structural section comprising a first edge including a top portion being recessed from a top surface of the concrete section, the first edge connected to the concrete section and extending along the first side, the first edge for connecting the concrete section to an adjoining concrete section, the first edge being formed from a plastic material.

Rather, Rogers discloses a mat assembly for heavy equipment transit and support. The mat assembly is made up of a number of structural members having a "double I-beam" cross-sectional shape. Abstract.

For at least these reasons, Lowndes and Rogers do not disclose the subject matter of Claim 1. Accordingly, independent Claim 1 is allowable. Claims 2-3 and 6-8 depend from Claim 1 and are allowable for at least the reasons Claim 1 is allowable.

The Examiner rejected Claim 3 under 35 U.S.C. § 103 as being unpatentable over Lowndes, Rogers, and Copley.

Claim 3 depends from Claim 1 and is allowable for at least the reasons Claim 1 is allowable.

As discussed above, Lowndes, Rogers, and Copley do not disclose the subject matter of amended independent Claim 1. Accordingly, Claim 3 is allowable.

The Examiner rejected Claim 7 under 35 U.S.C. § 103 as being unpatentable over Lowndes and Rogers, and further in view of U.S. Patent No. 2,374,186 ("Fischer"). Claim 7 is further rejected as being obvious in view of Copley and Fischer.

Claim 7 depends from Claim 1 and is allowable for at least the reasons Claim 1 is allowable.

Lowndes and Rogers do not disclose the subject matter of amended independent Claim 1 for at least the reasons discussed above. Fischer does not cure the deficiencies of Lowndes and Rogers. Fischer does not disclose a concrete structural section comprising a first edge including a top portion being recessed from a top surface of the concrete section, the first edge connected to the concrete section and extending along the first side, the first edge for connecting the concrete section to an adjoining concrete section, the first edge being formed from a plastic material.

Rather, Fischer discloses expansion joints for use in weather-proofing the spaces between constituent members of masonry structures for the expansion of such members under changing atmospheric temperatures. There is no disclosure in Fischer regarding the relationship between the top of the expansion joint and the top of the masonry structure. Accordingly, Claim 7 is allowable.

The Examiner rejected Claim 7 under 35 U.S.C. § 103 as being unpatentable over Copley in view of Fischer.

Claim 7 depends from Claim 1 and is allowable for at least the reasons Claim 1 is allowable.

Copley does not disclose the subject matter of amended independent Claim 1 for at least the reasons discussed above. Fischer does not cure the deficiencies of Copley. Fischer does not disclose a concrete structural section comprising a first edge including a top portion being recessed from a top surface of the concrete section, the first edge connected to the concrete section and extending along the first side, the first edge for connecting the concrete section to an adjoining concrete section, the first edge being formed from a plastic material.

Rather, Fischer discloses expansion joints for use in weather-proofing the spaces between constituent members of masonry structures for the expansion of such members under changing atmospheric temperatures. There is no disclosure in Fischer regarding the relationship between the top of the expansion joint and the top of the masonry structure. Accordingly, Claim 7 is allowable.

The Examiner rejected Claims 9-12 and 14-21 under 35 U.S.C. § 103 as being unpatentable over Lowndes in view of Rogers.

Lowndes does not disclose the subject matter of amended independent Claim 9. More specifically, Lowndes does not disclose a joint between two pre-formed concrete sections comprising a first concrete section having a first side extending along the first concrete section and a first edge connected to the first side, the first edge including a top portion being recessed from a top surface of the first concrete section and a second concrete section having a second side extending along the second concrete section and a second edge connected to the second side, the second edge including a top portion being recessed from a top surface of the second concrete section, the second concrete section being positioned adjacent the first concrete section with the first and second edges extending adjacent one another and being substantially

evenly spaced from one another along the sections, the first and second edges being formed from a plastic material.

Rather, Lowndes discloses two adjacent concrete slabs 16, 18 being secured together with side weld plates 22. The side weld plate 22 includes an elongated body section 24 and a flange section 28 that is secured thereto and extends upwardly therefrom. A bar or slug 23 is placed between the opposite side weld plates 22 and welded in place to both side weld plates 22 thus uniting concrete slabs 16, 18. Col. 3, lines 2-11.

Lowndes does not disclose that the top portion of the body section 24 is recessed from the top surface of the concrete slab. Rather, the top portion of the body section 24 is aligned with the top surface of the concrete slab.

Rogers does not cure the deficiencies of Lowndes. Rogers does not disclose a joint between two pre-formed concrete sections comprising a first concrete section having a first side extending along the first concrete section and a first edge connected to the first side, the first edge including a top portion being recessed from a top surface of the first concrete section and a second concrete section having a second side extending along the second concrete section and a second edge connected to the second side, the second edge including a top portion being recessed from a top surface of the second concrete section, the second concrete section being positioned adjacent the first concrete section with the first and second edges extending adjacent one another and being substantially evenly spaced from one another along the sections, the first and second edges being formed from a plastic material.

Rather, Rogers discloses a mat assembly for heavy equipment transit and support. The mat assembly is made up of a number of structural members having a "double I-beam" cross-sectional shape. Abstract.

For at least these reasons, Lowndes and Rogers do not disclose the subject matter of Claim 9. Accordingly, independent Claim 9 is allowable. Claims 10-12 depend from Claim 9 and are allowable for at least the reasons Claim 9 is allowable.

Claims 14-19 depend from Claim 13 and are allowable for at least the reasons Claim 13 is allowable. Lowndes does not disclose the subject matter of amended independent Claim 13. More specifically, Lowndes does not disclose a concrete section assembly comprising a first and second concrete section, each section having a first end and a second end disposed opposite one another, a side extending between the first and second ends of the section, an edge connected to the side of each section and extending along the side, the edge including a

top portion being recessed from a top surface of the concrete section, the sections aligned with the respective side of each section being adjacent to one another.

Rather, Lowndes discloses two adjacent concrete slabs 16, 18 being secured together with side weld plates 22. The side weld plate 22 includes an elongated body section 24 and a flange section 28 that is secured thereto and extends upwardly therefrom. A bar or slug 23 is placed between the opposite side weld plates 22 and welded in place to both side weld plates 22 thus uniting concrete slabs 16, 18. Col. 3, lines 2-11.

Lowndes does not disclose that the top portion of the body section 24 is recessed from the top surface of the concrete slab. Rather, the top portion of the body section 24 is aligned with the top surface of the concrete slab.

Rogers does not cure the deficiencies of Lowndes. Rogers does not disclose a concrete section assembly comprising a first and second concrete section, each section having a first end and a second end disposed opposite one another, a side extending between the first and second ends of the section, an edge connected to the side of each section and extending along the side, the edge including a top portion being recessed from a top surface of the concrete section, the sections aligned with the respective side of each section being adjacent to one another.

Rather, Rogers discloses a mat assembly for heavy equipment transit and support. The mat assembly is made up of a number of structural members having a "double I-beam" cross-sectional shape. Abstract.

For at least these reasons, Lowndes and Rogers do not disclose the subject matter of Claim 13. Accordingly, independent Claim 13 is allowable. Claims 14-19 depend from Claim 13 and are allowable for at least the reasons Claim 13 is allowable.

**CONCLUSION**

In view of the foregoing, allowance of the pending claims is respectfully requested. The undersigned is available for telephone consultation during normal business hours.

Respectfully submitted,

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